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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,695	11/10/2003	Chang Chun-Feng	14038 B	5234
36672	7590	10/04/2005	EXAMINER	
CHARLES E. BAXLEY, ESQ. 90 JOHN STREET THIRD FLOOR NEW YORK, NY 10038			STASHICK, ANTHONY D	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/705,695	CHUN-FENG, CHANG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anthony Stashick	3728	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 July 2005.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Musci 4,409,745. Musci '745 discloses all the limitations of the claims including the following: a sole 24, on a surface of which is provided with a locating hole 26; a heel 16 having a top surface (see Figure 1); on the top surface of the heel is formed a locating groove 92 which corresponds to the locating hole of the sole (see Figure 9); a connecting sheet 12; a bottom of the connecting sheet provided with an engaging column 20; the engaging column traveling through the locating hole of the sole and then inserting in the locating groove of the heel (see Figures 1 and 9); on the top surface of the heel is formed with a sidewall 86 which defines a locating groove; the sidewall of the heel is inserted in the locating hole of the sole (Figures 1 and 9); the top surface 88 of the heel abuts against the lower surface of the sole (Figures 1, 9 and 11).

3. Claims 1 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis 5,675,916. Lewis '916 discloses all the limitations of the claims including the following: a sole 18 on a surface of which is provided with a locating hole 24; a heel 6 having a top surface (see Figure 5); on the top surface of the heel is formed a locating groove 33 which corresponds to the locating hole of the sole (see Figure 5); a connecting sheet 76; a bottom of the connecting sheet provided with an engaging column 75; the engaging column traveling through the locating hole

of the sole and then inserting in the locating groove of the heel (see Figure 5); a shallow recess is formed at the rear end of the top surface of the sole that a bottom surface of the connecting sheet is allowed to abut against the bottom of the recess of the sole (see Figure 8); the top surface of the heel abuts against the lower surface of the sole (see Figure 8).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Musci 4,409,745. Musci '745 discloses all the limitations of the claims including a tenon 80 located in the bottom of the engaging groove and tenon hole 70 located in the engaging column of the connecting sheet to aid in the connecting of the heel to the upper and aligning the fastening means. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to place more than one tenon and hole in the heel and column of the connecting sheet to prevent the heel from rotating when fastened to the shoe sole.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Musci 4,409,745 as applied to claim 1 above in view of Lewis 5,675,916. Musci '745 as applied to claim 1 above discloses all the limitations of the claims except for the shallow recess formed at the rear end of the top surface of the sole allowing the bottom surface of the connecting sheet to abut against the bottom of the recess of the sole. Lewis '916 teaches that a shallow recess can be formed at the

rear end of the top surface of the sole such that a bottom surface of the connecting sheet is allowed to abut against the bottom of the recess of the sole (see Figure 8) to aid in preventing the feeling of the connecting sheet by the user's foot. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to countersink the connection sheet into the upper surface of the sole, as taught by Lewis '916, to prevent the user from feeling the connection sheet separate from that of the sole.

*Response to Arguments*

7. Applicant's arguments filed July 12, 2005 have been fully considered but they are not persuasive. Applicant argues that the instant invention provides a screwless plug-in installation since the heel and the sole are connected by a screwless connecting sheet. The claims as presented only require that there be a column connecting the pieces, which does not negate the use of screws through a sheet since the sheets provided in the prior art include screws attached to the bottom and the screws are columns as well. Applicant has failed to distinguish the connecting portions of the instant application from the typical use of a screw and a connecting sheet as shown in the prior art used in the rejections above.

*Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

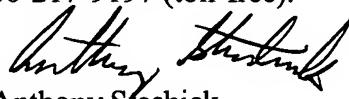
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Stashick whose telephone number is 571-272-4561. The examiner can normally be reached on Monday-Thursday 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Stashick  
Primary Examiner  
Art Unit 3728

ADS